

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:21-CR-56-D

UNITED STATES OF AMERICA

v.

SHABORN AMAR NESBITT,

Defendant.

**ORDER**

On September 16, 2021, Shaborn Amar Nesbitt (“Nesbitt” or “defendant”) filed a motion to suppress and requested an evidentiary hearing [D.E. 76]. On October 15, 2021, the government responded in opposition [D.E. 81]. On November 29, 2021, Nesbitt filed a motion for an evidentiary hearing contesting the scope of the Terry stop [D.E. 99]. On December 3, 2021, Trooper Josh Legan moved to quash a subpoena to testify at the evidentiary hearing [D.E. 106].

On December 6, 2021, the court held a hearing concerning the motions and received evidence. As explained during the hearing and incorporated herein by reference, the court GRANTS Trooper Legan’s motion to quash [D.E. 106], GRANTS defendant’s motion for an evidentiary hearing [D.E. 76, 99], and DENIES on the merits defendant’s motion to suppress [D.E. 76] and motion contesting the scope of the Terry stop [D.E. 99].

SO ORDERED. This 6 day of December, 2021.

  
JAMES C. DEVER III  
United States District Judge